

BOARD OF ZONING APPEALS

MINUTES

6:30 PM

May 20, 2015

City Council Chambers

MEMBERS PRESENT: Leanne Cardoso, Bill Burton, Linda Herbst, and George Papandreas

MEMBERS ABSENT: Jim Shaffer

STAFF: Christopher Fletcher, AICP

I. CALL TO ORDER AND ROLL CALL: Cardoso called the meeting to order at 6:30 PM and read the standard explanation of the how the Board conducts business and rules for public comments.

II. MATTERS OF BUSINESS:

A. Minutes for the April 15, 2015 hearing: Burton moved to approve as presented; seconded by Papandreas. Motion carried unanimously with Cardoso abstaining due to her absence.

III. UNFINISHED BUSINESS: None

IV. NEW BUSINESS:

A. V15-25 / Denny's Corporation / 258 Retail Circle: Request by Debbie Wilkins of Franchise Signs International, on behalf of Grate Enterprises, Inc., for variance relief from Article 1369 as it relates to signage; Tax Map 64, Parcel 4; B-5, Shopping Center District.

Fletcher presented the Staff Report.

Cardoso recognized William Gatian III on behalf of Grate Enterprises, Inc. who concurred with the Staff report.

There being no comments or questions by the Board, Cardoso asked if anyone was present to speak in favor of or in opposition to the petition.

There being no further comments, Cardoso declared the public hearing closed and asked for Staff recommendations.

Fletcher read the Staff recommendations for V15-25.

Papandreas made a motion to find in the affirmative for the all the Findings of Facts for V15-25 as submitted; seconded by Herbst. Motion carried unanimously.

NOTE: The following Finding of Fact was included in the motion.

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

As a nationally recognized restaurant organization Denny's contributes to the welfare of the community, adjacent businesses and residents by providing employment to local residents, food service to potential customers and those employed by adjacent businesses. Proposed signage is professionally manufactured based on current UL standards and install based on standard building codes to ensure safety and welfare of the community.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The subject property is a low lying area with limited visual exposure to the N & NE due to natural topographical obstruction. This limited exposure creates the need to maximize visibility to the potential customer given the heavily auto-dependent nature of the development.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The increased visibility provided by variance approval should reduce the effect of natural topographical obstructions, contributing to the on-going success of a newly established business and the success of the overall development community.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The purpose of Morgantown's zoning ordinance is to encourage the effective use of signs as a means of communication. Nationally recognized branding via tenant signage contributes to business success and is in keeping with the City's goal to attract continued economic investment in the community.

Burton moved to approve V15-25 as requested; seconded by Papandreas. The motion carried unanimously.

Cardoso reminded Mr. Gatian that the Board's decision can be appealed to Circuit Court within thirty days of receiving written notification from the Planning Division and that any work related to the Board's decisions during this period would be at the sole financial risk of the petitioner.

- B. V15-26 / Justin Smith / 402 Sanford Street:** Request by Justin Smith for variance relief from Article 1335.04 concerning a front setback encroachment; Tax Map 40, Parcel 237; R-1A, Single-Family Residential District.

Fletcher noted the petitioner has asked for the variance to be postponed as they work through the acquisition of the property. Papandreas made a motion to table V15-26; seconded by Burton. Motion carried unanimously.

V. ANNOUNCEMENTS: None.

VI. ADJOURNMENT: 6:38 PM

MINUTES APPROVED:

June 17, 2015

BOARD SECRETARY:


Christopher M. Fletcher, AICP